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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,270	07/30/2003	Mark R. Holzer	NEX 013 US	8710
7590 08/17/2005		EXAMINER		
Frost Brown Todd, LLC			KILIMAN, LESZEK B	
2200 PNC CENTER 201 E. FIFTH STREET			ART UNIT	PAPER NUMBER
CINCINNATI, OH 45202			1773	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Eszek b kilman 1773		10/630,270	MARK R. HOLZER				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations in this may be evaluated used the proteined of 3 CFR 1.13(g). In a event, however, may a reply be timely filled * If the period for reply specified above is less than thirty (30) days, we reply with the statutory neithern of thirty (30) slays we be considered streety. * If the period for reply specified above, in maximum statutory period village yet will up give St() (90) (11) filter the mailing date of this communication. * Fallets to reply with the set or extended period for reply with it y straints, cause the application is become MAINTCHEO (30 L3.C. § 13). **Responsive to communication(s) filled on	Office Action Summary	Examiner	Art Unit				
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2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	Status						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date		4) T Interview Summary	(PTO-413)				
Paper No(s)/Mail Date 6) Other:	2) D Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate				
U.S. Patent and Trademark Office			ratent Application (PTO-152)				
	U.S. Patent and Trademark Office		Part of Paper No./Mail Date 5				

Application/Control Number: 10/630,270

Art Unit: 1773

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/449209. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one having ordinary skill in the art at the time of the invention to modify laminates and methods of SN10630270 to

Application/Control Number: 10/630,270

Art Unit: 1773

include tapes, bonding tapes and bonding systems as in SN10449209 since both inventions comprise the susceptor layer being capable of absorbing electromagnetic energy as an inventive feature.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The amendments and remarks filed by Applicants have been fully considered. The rejections based on 35 USC 112 have been withdrawn in view of the Applicants amendments. The claims, however, remain unpatentable in view of the above rejections. Applicants have argued that the double patenting rejections are not proper. The examiner respectfully disagrees. The examiner believes that it would have been obvious to modify laminate of the copending application to obtain the claimed laminate. Contrary to applicant's assertion the modification in the instant case is not extensive or leads to different field of endeavor and it would have been obvious to one of ordinary skill in the art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 1773

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to leszek b kiliman whose telephone number is 571-272-1509. The examiner can normally be reached on M-T, 6.30-5.00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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